

Clatsop County
Board of Commissioners
Minutes
Wednesday, April 27, 2022

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REGULAR MEETING: 6:00 PM

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- 10 Commissioner Courtney Bangs
- 11 Commissioner John Toyooka
- 12 Commissioner Pam Wev
- 13 Vice Chair Lianne Thompson
- 14 Chair Mark Kujala

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AGENDA APPROVAL

- 17 Chair Kujala stated that Consent Calendar Item 8 could be removed, as the
- 18 Commission had taken action on it at the last meeting.
- 19 Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka to
- 20 approve the agenda as amended.
- Voting Yea: Commissioner Bangs, Commissioner Toyooka, Vice Chair Thompson,
- 22 Chair Kujala
- No vote by Commissioner Wev as she had not yet arrived.

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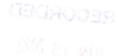
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PROCLAMATION

- 1. Asian American and Pacific Islander Heritage Month Proclamation (Page 3)
 - Sheryl Holcom, Elections Technician, provided background information about celebrating May as Asian American and Pacific Islander Heritage Month. She also shared demographic and historical data about Asian Americans and Pacific Islanders in the Pacific Northwest and Clatsop County.
- Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka to approve the Resolution and Order proclaiming May 2022 as Asian American and Pacific Islander Heritage Month, and authorize the Chair to read and sign the proclamation.
- Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, Vice Chair Thompson. Chair Kuiala
- 37 Chair Kujala read the Proclamation.

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2. Provider Appreciation Day Proclamation (Page 6)



- Eva Manderson, Northwest Regional Child Care Resources and Referral, briefly 1 provided information about her organization and childcare services in Clatsop 2 County. 3 Motion made by Vice Chair Thompson, Seconded by Commissioner Bangs to 4 approve the Resolution and Order proclaiming May 2022 as Provider 5 Appreciation Day, and authorize the Chair to read and sign the proclamation. 6 Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, 7 Vice Chair Thompson, Chair Kujala 8 Chair Kujala read the Proclamation. 9 10 **BUSINESS FROM THE PUBLIC** 11 There was no Business from the Public. 12 CONSENT CALENDAR 13 Item 8 was removed from the Consent Calendar during Agenda Approval. 14 Motion made by Vice Chair Thompson, Seconded by Commissioner Wev to approve 15 the Consent Calendar. 16 Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, Vice 17 Chair Thompson, Chair Kujala 18 19 3. Board of Commissioners Minutes 3-9-22 (Page 8) 20 4. Board of Commissioners Minutes 3-23-22 (Page 13) 21 5. Approve the 2021-22 Budget and Appropriation Adjustments {Page 17} 22 6. Approve increase to On-Call Services contract with P&L Johnson Mechanical 23 Inc. {Page 21} 24 7. Contract for Bulk Fuel Purchase {Page 28} 26
- 25
 - 8. Appeal of Planning Commission Decision Velazquez CUP {Page 42}
- 9. Jail Relocation Project Guaranteed Maximum Price (GMP) Contract -27 Amendment #4 (Page 118) 28
 - 10.2022-23 Assessment and Taxation CAFFA Grant Application (Page 136)
 - 11. Award of Contract for 820 Exchange St. Exterior Building Maintenance {Page 140}

COMMISSIONER'S LIAISON REPORTS

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- Commissioner Thompson reported that she sent the County Manager a status report on 33
- the Water Roundtable. She also reported that an affordable workforce housing 34
- development would be built of mass plywood panels. 35
- Commissioner Wey reported that the Housing Authority had closed on the Trillium 36
- House property, located in the Chelsea Gardens area of Warrenton. Groundbreaking 37
- would be in about a month, after pilings have been installed. The development would 38

- provide 42 units with affordable housing. Clatsop Behavioral Health would have a full-
- time presence on the property. She reported that she had made a presentation to the
- 3 Astoria City Council about the Commission's affordable housing initiatives and housing
- 4 for homeless, and the Housing Authority presented on their renovation of the Owens
- 5 Adair property. She also reported that extra funds for workforce development had been
- 6 made available by the Legislature. The Northwest Oregon Workforce Board would meet
- 7 in Clatsop County in June.
- 8 Commissioner Toyooka reported that he was involved with the National Association of
- 9 Counties Veterans Affairs Committee. He also reported that he had participated in a lot
- of discussion on the short-term rental ordinance amendments.
- 11 Commissioner Bangs reported that the Fair Board would be meeting on May 3rd and the
- meeting would be open to public comments. She reported that she had not known the
- 13 Commission was meeting with the Astoria City Council, giving them a presentation, or
- 14 having any official conversations with them.
- 15 Chair Kujala reported that the Budget Committee had its first meeting earlier that day.
- Staff gave a very informative presentation and he appreciated the work that Staff had
- done. He also reported that representatives of the Oregon Department of Fish and
- Wildlife met in Clatsop County last week to tour the net pens and fisheries.

COUNTY MANAGER'S REPORT

- 21 County Manager Bohn reported that the Astoria City Council had requested that the
- 22 County provide them with background information on the County's Request for
- 23 Expression of Interest (RFEI) process and other work the County had been doing with
- cities. The County has published an RFEI in the development of County-owned land.
- 25 Staff hoped the cities and County partners would look at the list of sites to see if any
- were suitable for affordable housing. He also reported that a City County Elected
- 27 Officials meetings would be on May 18th to discuss affordable housing challenges and
- 28 homelessness.

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PUBLIC HEARINGS

- 12. Ordinance 22-03: Short-Term Rental Revisions Clatsop County Code {Page188}
 - Director Henrikson presented the Staff report on the Code amendments to the operating standards for short-term rentals (STRs) in areas outside of incorporated areas.
 - Commissioner Bangs stated that when good neighbor ordinances like this one do not work, do not resolve issues, or need improvement, amendments can be made as things change over time.
- Chair Kujala opened the public hearing and called for public comments.
- Monica Wellington, 38657 NW Harrison Rd., Banks, said after reading the public comments, it was clear that the previous recommendations did not consider all stakeholders. Many people have expressed a desire to keep STRs and for the

few bad apples to be dealt with individually. Taking STRs away from existing owners is unfair. Many owners have made significant financial investments and the expectation was previously set that the owners would be able to manage their homes as STRs. She had continued to discuss these Code amendments with her full-time neighbors. She believed that as long as she was a good steward of her property, she had the right as a property owner to allow people to stay in her home. She supported updates to the operational standards and she believed that these updates, along with better application and monitoring, would help achieve a balance between the owners and full-time residents. She hoped that the Board had reviewed the data that has objectively determined that the removal of 100 STRs would not move the needle on affordable housing. Most of these homes would not be sold or rented to people making median wages. She also supported a regular cadence of discussion and updating the Code as needed.

Nancy Chase, 3026 NE 22nd Ave., Portland, said this process had been exhausting for her. She asked the County to pause on the regulations and consider her suggested changes. Her goal was public safety and livability, not to wear down STR owners. She believed the Code should state that anonymous complaints would not be taken by the hotline because she wanted the opportunity to respond to complaints and anonymous complaints waste peoples' time. The Code should also clarify inheritance rights of the permit, as well as what types of complaints must be responded to. The only complaint she had received in 30 years was that she only had one bedroom and therefore was over occupancy. However, she actually has two bedrooms so there was nothing for her to respond to. She asked the Commission to read the penalties and violations. She believed suspending permits would negatively impact tourism, guests and housekeepers.

Anthony Stewart said he was speaking on behalf of Sheri Ralston and Justin Casani who own 90073 Ocean Dr., Warrenton. They supported strengthening rules and regulations by which STR operators must adhere. There have been no complaints related to renting out the home and they believed the proposed rules would result in better reporting and monitoring by the County. They agreed that the STR permit should be transferrable under certain circumstances. Additionally, a wholesale reduction or removal of STRs would not be appropriate.

Greg Allen, 92771 Timmerman Rd., Astoria, said he owned property just east of Astoria that would be negatively affected by the proposed zone change. The County's efforts to restrict STRs stem from complaints in densely populated areas to the south of the county. Efforts to correct the problems should be restricted to the areas where the problems are occurring. The County's economy significantly relies on tourism and restricting the number of STRs will immediately impact the food, entertainment, and hospitality sectors. Difficulties with STRs should be addressed where they occur rather than by eliminating a broad section of STRs. A significant portion of STR guests are traveling professionals who come to the area to fill in at clinics and hospitals because there is a lack of housing for people working in medical and business services. It is unfair to

eliminate housing that people have established in good faith because of difficulties in some areas. Considerable investments have been made in those properties and broad changes would cause economic hardships. Clatsop County would be shooting itself in the foot by eliminating a significant source of revenue.

Beth Radich said the Commission had a job to do and a lot of research and analysis had been done. Even though everyone had feelings and issues, this was about the zoning. Everyone signed up for the zoning and some of the businesses could thrive in places that support them. There are also a lot of places where those businesses would not fit. This is why zoning exists and why problems arise when commercial activities happen in residential neighborhoods.

County Counsel Lyons-Antley clarified that all of the zoning portions had been removed from the proposed ordinances, as directed by the Board. The ordinances deal with operating standards and address Arch Cape's standards.

Tim Lyman, 33210 Sunset Beach Ln., Warrenton, said he had lived in Clatsop County for more than 50 years as a part-time resident and for five years as a full-time resident. He was also a trustee of Clatsop Community College. He was opposed to the proposed ordinance. The ordinance was supposed to address problems with STRs, but the problems have not been correctly defined. Eliminating all of the STRs when 98% of all complaints originate in one neighborhood is akin to shutting down every convenience store in the County because one store has a history of selling alcohol and cigarettes to minors. He suspected that all of the complaints were on a single digit number of landlords and a single digit number of complainers. There have been 71 complaints over almost four years, 70 of which center around the same people. The County does not have an STR problem; it has a problem with about a dozen idiots. Those dozen idiots are the problem that needs to be addressed, not the 190 well-maintained, well-run good neighbors.

Chair Kujala closed the public hearing.

Commissioner Toyooka stated he had received 307 emails about STRs and 64% were in support of retaining STRs. Of the 36% in opposition, only 21% were unique emails. The majority of the emails on both sides addressed operating standards and enforcement.

Commissioner Bangs said the emails she received resulted in numbers similar to Commissioner Toyooka's. An overabundance of emails shared great experiences with STRs. This ordinance does not state whether STRs would exist or not, it is a good neighbor policy for how the STRs should operate and how the County would handle issues.

Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka approve Ordinance 22-03 and conduct the second reading by title only. Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, Vice Chair Thompson, Chair Kujala

County Counsel Lyons-Antley conducted the second reading of the ordinance.

13. Ordinance 22-01: Short-Term Rental Revisions - LAWDUC (Page 208)

Director Henrikson presented the Staff report on the proposed revisions to the Land and Water Development Use Code. She noted that no zoning changes were included in the ordinance. Zoning would be discussed at a work session on May 18th.

Chair Kujala opened the public hearing.

Carol Harn, 79238 Ray Brown Rd., Cove Beach, said she and her husband bought their home over two years ago with the intention of using it as a vacation rental and then retiring in Cove Beach. She asked the Commission to vote against the ordinance. Eliminating 103 STR permits in unincorporated Clatsop County would not solve the housing crisis. Cove Beach should not be singled out simply because a few locals are against STRs. The claim that the homes could be used for affordable housing assumes that a majority of vacation rental owners would be willing to repurpose their homes. She uses her home all the time and she was not an absent STR owner. Cove Beach is full of million dollar homes and the rents these homes would capture would be well out of the range of affordable housing values. STRS also allow people to who cannot afford to purchase a way to experience the coast for a weekend. She lawfully rented her home and she asked the Commission to uphold her rights as a property owner. Reasonable regulations would ensure the public has access to beaches, coastal homes, and that the character of neighborhoods is honored.

Charles Dice, 31911 Clatsop Ln., Cove Beach, suggested the Commission create a taskforce to look at the affordable housing data and the impact of STRs on affordable housing and residents' property rights in residential zones.

Beth Radich, Arch Cape, stated she did not want to be prohibited from talking about zoning because she had prepared to discuss zoning. She wanted to know why the ordinance was changed. There is a lot of data available that indicates that STRs eat up the residential housing supply and drives up housing costs. She would be studying that more. She asked how many comments and emails were from voters and residents. She understood the value to the tourism industry, but also valued a livable residential community and affordable housing. She wanted her tax dollars to be spent efficiently. There are 100 houses being misused as commercial businesses. All of the surrounding municipalities have upheld residential zoning and supported STRs in the zoning where it is allowed.

Nancy Chase, 3026 NE 22nd Ave., Portland, said she would love to be a full-time resident but she still pays property tax and other taxes in Clatsop County. She encouraged the Commission to fact check through neutral parties. STRs are an important component of the housing mix. The Commission should also talk to tourism professionals about STRs. She had rented to a lot of people who ended up purchasing or building homes after discovering Clatsop County. One person who spoke against STRs asked her last week about renting one of her STRs for a wedding. STRs are also rented by health professionals, people whose homes are under construction, and a lot of other purposes. She hoped the County would retain the right to have STRs in the coastal residential zones.

Jeff Davis, 79432 Ray Brown Rd., Cove Beach, stated that the 2019 Clatsop County Housing Strategy Report discouraged STRs in zones that do not have the infrastructure to accommodate commercial enterprises. He had submitted a letter that included hyperlinks to articles and studies describing the impacts of STRs in communities across the country. Clearly, there is a negative impact of STRs on available housing. STRs have grown dramatically because property owners can charge more for an STR than they could for a long-term rental. The additional revenue allows property owners to pay more than the list price. This is already occurring in Clatsop County. Every turnover from residence to STR means one less property available for permanent residents. Communities all across the country have experienced this problem to the detriment of affordable housing. Allowing unlimited permitting of STRs would result in quality of life issues and an explosion of homes turned into STRs.

Anthony Stewart said he appreciated the standardization and normalization of the Arch Cape area to bring it in line with the remaining zones. He looked forward to the May 18th work session and would make comments when the zoning matters come before the Board. He was speaking on behalf of Sheri Ralston and Justin Casani at 90073 Ocean Drive, Warrenton.

John Meyer, 31865 Clatsop Ln., Cove Beach, stated his family had been visiting the Oregon coast since the 1940s and now own a home in Cove Beach that they use for family, friends and guests. They are stewards of the good neighbor policy. He had two decades of experience working with nonprofits to develop affordable housing. The arguments that STRs reduce affordable housing are false and are not helpful. He suggested the Commission focus on the ways that STRs increase affordable housing by contributing to the economic and social vitality of the community. Workforce housing is not appropriate for south county. The average value of an STR in Cove Beach and Falcon Cove is over \$1 million. That is three times the cost of producing affordable workforce housing in north county. Eliminating STRs in Cove Beach and Falcon Cove would have no effect on the supply of affordable housing, but would reduce economic growth. The Harvard Business Review published a study last year that supports this. Fifteen cities were studied and the study found that STR restrictions reduced property values by \$2.8 billion and tax revenues by \$40 million annually. The Clatsop County Assessor estimated that eliminating STRs would reduce the County's lodging tax revenue by over \$500,000 annually. The loss of revenue to the commercial establishments would be \$3.7 million annually.

Carolyn Crawford, 79136 Tide Rd., Cove Beach, said STRs were not a large percentage of tourists' choices, but they are an important part of tourism. Some of the statistics could be skewed, so she asked that the Commission take more time to evaluate the statistics that apply to Clatsop County. She had owned her home for over 30 years and had very few complaints. The neighborhood used to be a united cohesive group that worked together, but it is not that way anymore. There is a lot of distrust. STR owners are responsible and respond to legitimate complaints. Full and part-time owners should hold themselves accountable and they do for the most part. STRs do not get special treatment, but they are held to

a higher standard. There has been no degradation in home values. Her home is one of the smallest homes in Cove Beach and it does not add to the housing shortage. The home is not affordable. One time, she did rent her house long term on the recommendation of the Cannon Beach Chamber of Commerce. The tenant had to be evicted and left the house a complete disaster. The house had to be completely renovated and the eviction took a ton of the County's time. Five neighbors helped her for three days to clean up the home.

Chair Kujala closed the public hearing.

Commissioner Toyooka said a lot of people brought up affordable housing and he suggested the County do its own research to help out that issue. Oregon Senate Bill 608 implementing rent controls discouraged a lot of people from becoming landlords and renting their properties, which added to the lack of rental properties and affordable housing. There are arguments that STRs raise housing prices, but these last two years have been unique and there was an exodus from urban areas to rural areas, which drove prices higher. Currently, the forecast is another 8 to 11 percent increase in home prices for the remainder of 2022 and three to eight percent for 2023. That data needs to be added to the research when discussing affordable housing and future rezoning.

Vice Chair Thompson said she heard more general agreement and she believed the Commission was doing the right thing.

Commissioner Bangs stated that she wanted to get this issue off the Commission's plate because there are larger issues that needed to be addressed. People are trying to tie two topics together, but the discussion needs to get away from workforce and affordable housing. People making average wages cannot afford the current property values in a lot of the STR areas. Separating the issues would allow the community to better understand what the County was trying to accomplish.

Motion made by Vice Chair Thompson, Seconded by Commissioner Toyooka to approve Ordinance 22-01 and conduct the second reading by title only. Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, Vice Chair Thompson, Chair Kujala

County Counsel Lyons-Antley conducted the second reading.

14. Short-Term Rental Moratorium Extension #2 {Page 220}

Director Henrikson presented the Staff report on the second extension of the STR moratorium.

County Counsel Lyons-Antley said she recommended the Board approve the moratorium because it provides some legal cover. If the moratorium was not extended, there would be questions about whether to apply the old standards or the new standards. Additionally, the zones where STRs will be permitted have not yet been decided.

Vice Chair Thompson stated that she appreciated the expense and inconvenience for people impacted by the moratorium. However, she wanted to extend the moratorium until the Commission was ready to move forward.

Commissioner Wev said she was uncomfortable with the Board moving forward with a judicial advisory group in disparate recommendations from Staff. She wanted the Commission to have direct consultation with Staff and the Planning Commission about how they landed where they did. She was also uncomfortable with a County ordinance that blankets all but a very small part of the unincorporated areas with the same rules. People have considered issues that the Commission has not, like a percentage of allotments in certain areas. She believed there were many unlicensed STRs in the northeastern part of the county. She also believed the attractiveness of STRs would continue to grow. There is a preponderance of disparate information and she was uncomfortable with that. She also wanted to hear from the people who sit on the local planning committees. She was unhappy with the County's inability to take a good look at the 2020 Census vacant housing numbers, which was a statistic she did not believe. She was also very uncomfortable with what the County Counsel just said.

Commissioner Bangs stated that she would honor a fellow Commissioner's need for more information and the requests of Staff stated in a previous meeting. However, she was very uncomfortable with extensions beyond the end of the fiscal year. She was currently receiving text messages from concerned homeowners who have been paying their mortgages since July 2021 and are stuck because the Commission had not yet made a decision. She would only be okay with a short extension to the moratorium.

Vice Chair Thompson said the Commission had 60 days to the end of the fiscal year. She asked if County Counsel would be okay with the moratorium expiring on June 30th.

Chair Kujala opened the public hearing.

Chris Delong, 36687 Christens Ln., Astoria, said he had been paying his mortgage since July and has yet been able to rent out his STR. He had no idea there was going to be a moratorium on STRs. He had a lot of work to do to the house, then went to apply in October and discovered a permit was not available to him. His investment has just been sitting there. The Commission needs to put this moratorium to bed because this money is not disposable income for him. The moratorium is affecting his life. He had written a letter explaining his situation. He planned to retire in his STR and the problems seemed to be in an isolated area.

County Counsel Lyons-Antley stated that one option could be to continue the hearing to August 26, 2022 and if the Commission makes a decision on the zoning sooner, the moratorium could be terminated.

Denise Davis, 79432 Ray Brown Rd., Cove Beach, said she understood that many people had finances involved and were waiting for an answer. She was paying her mortgage as well. She had invested as much in her home as others

1 2 3 4 5 6	had invested in their STRs. She agreed with Commissioner Wev's comments about a one size fits all approach to the unincorporated areas of the county and a percentage cap on STRs. The lawfulness of permitting STRs in residential zones has not been addressed and needs to be addressed before the moratorium could be lifted. She was sure the Commission would take that into consideration when voting.				
7	Chair Kujala closed the public hearing.				
8 9 10	Commissioner Toyooka said he agreed with Commissioner Bangs. The Commissioners were elected to facilitate policy, not putting things off. He wanted the Commission to act and get things done.				
11 12 13 14	Commissioner Bangs stated that whether she was to vote on this topic today or after a moratorium, her vote would not change. She already knew her position and what her constituents were directing her to do. She preferred to vote now but would honor the request for more information.				
15 16	Vice Chair Thompson said she could not go forward and appreciated that Commissioner Bangs reigned in her urge to proceed.				
17 18 19 20 21	Motion made by Vice Chair Thompson, Seconded by Commissioner Wev to approve the Resolution and Order extending the moratorium on the licensing and processing of new short-term rental applications to August 26, 2022. Voting Yea: Commissioner Bangs, Commissioner Toyooka, Commissioner Wev, Vice Chair Thompson, Chair Kujala				
22 23 24	County Manager Bohn stated the August date gives Staff more time if needed, but understood the Board wanted Staff to facilitate a process as expeditiously as possible.				
25 26 27 28 29	Commissioner Bangs said she would not be willing to have discussions the Commission has already had about whether something should address the entire County or a small demographic. However, she would be willing to discuss new information at the May 18 th work session. She was frustrated with the continuation of this process.				
30 31	Chair Kujala believed the Commission was making progress and appreciated Staff's willingness to expedite the process.				
32	GOOD OF THE ORDER				
33	There was nothing for the good of the order.				
34	ADJOURNMENT				
35	There being no further business, the meeting was adjourned at 7:47 pm.				
36 37 38 39	Approved by, Mark Kujala, Chair				
40	Mark Kujala, Chair				